

JAMS, JELLIES, AND PRESERVES

20038. Misbranding of jellies and jams. U. S. v. Oelerich & Berry Co. and Frank J. Oelerich. Pleas of nolo contendere. Fine of \$600 against defendants jointly. (F. D. C. No. 33807. Sample Nos. 29307-L, 30293-L, 35551-L to 35553-L, incl., 35560-L, 35561-L, 48572-L to 48574-L, incl., 48576-L, 48577-L.)

INFORMATION FILED: November 28, 1952, Northern District of Illinois, against Oelerich & Berry Co., a corporation, Chicago, Ill., and Frank J. Oelerich, president.

ALLEGED SHIPMENT: Between the approximate dates of January 28 and March 5, 1952, from the State of Illinois into the States of Montana, Idaho, and North Dakota.

LABEL, IN PART: "Oelerich Old Manse * * * Concord Grape [or "Red Raspberry," "Crabapple," "Plum," or "Cherry"] Jelly" and "Oelerich Fruit Maid * * * Strawberry [or "Raspberry" or "Grape"] Apple Jam."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the jellies failed to conform to the definition and standard of identity for the various jellies since they had not been concentrated by heat to such a point that the soluble-solids content of the finished jellies was not less than 65 percent, and, in addition, the crab apple, plum, cherry, and one shipment of the red raspberry jellies were deficient in the fruit juice content; and the jams failed to conform to the definitions and standards of identity therefor since they were deficient in fruit content.

DISPOSITION: January 27, 1953. Pleas of nolo contendere having been entered, the court imposed a fine of \$600 against the defendants jointly.

20039. Misbranding of plum jelly. U. S. v. 76 Cases * * *. (F. D. C. No. 34564. Sample Nos. 44195-L, 44206-L.)

LIBEL FILED: January 23, 1953, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about December 18, 1952, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 76 cases, each containing 6 8-pound, 6-ounce cans, of plum jelly at Midwest City, Okla.

LABEL, IN PART: "Garvey's Pure Plum Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled weight.

DISPOSITION: March 31, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and relabeling of the short-weight cans, under the supervision of the Food and Drug Administration.

VEGETABLES AND VEGETABLE PRODUCTS*

20040. Misbranding of canned corn. U. S. v. 103 Cases * * *. (F. D. C. No. 34251. Sample No. 41115-L.)

LIBEL FILED: December 2, 1952, Western District of Washington.

*See also No. 20008.

ALLEGED SHIPMENT: On or about November 4, 1952, by the Idaho Canning Co., from Nyssa, Oreg.

PRODUCT: 103 cases, each containing 24 cans, of corn at Longview, Wash.

LABEL, IN PART: (Can) "Ida-Dell Brand Contents 1 Lb. 4 Oz. Cream Style Golden Corn."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "1 Lb. 4 Oz."

DISPOSITION: January 7, 1953. The General Grocery Co., Longview, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

20041. Adulteration and misbranding of canned Crowder peas. U. S. v. 23 Cases * * *. (F. D. C. No. 34220. Sample No. 46985-L.)

LIBEL FILED: November 17, 1952, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 6, 1952, by the Fresh Canning Co., from Spiro, Okla.

PRODUCT: 23 cases, each containing 48 cans, of Crowder peas at Alexandria, La.

LABEL, IN PART: "Baby Shug Fresh Crowder Peas * * * Contents 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing an excessive amount of water as a packing medium had been substituted in whole or in part for canned peas.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short weight.)

DISPOSITION: January 26, 1953. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of by the marshal. The product subsequently was delivered to a State institution for its use.

20042. Adulteration of frozen chopped spinach. U. S. v. 169 Cases * * *. (F. D. C. No. 34240. Sample No. 46760-L.)

LIBEL FILED: November 25, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 10, 1952, by John Inglis Frozen Foods, from Modesto, Calif.

PRODUCT: 169 cases, each containing 24 14-ounce packages, of frozen chopped spinach at New Orleans, La.

LABEL, IN PART: (Package) "Buy For Less 19¢ Brand Frozen Fresh Chopped Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for frozen spinach; and, Section 402 (b) (4), water had been added to the article or mixed or packed with it so as to increase its bulk or reduce its quality or strength.

DISPOSITION: January 5, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.